The Sun.

VOL. XLVII.—NO. 49. NEW YORK, SUNDAY, OCTOBER 19, 1879. PRICE THREE CENTS.

WAITING FOR THE VERDICT.

THE JURY IN THE BLAIR TRIAL REMAINING OUT ALL NIGHT.

The Prisoner and His Faithful Wife Stay in the Court Room—Blair's Terrible Suspense—A Report that the Jury Stand 11 to 1 for Acquittal—Clearing the Court of Late Watchers—The Charge of Judge Depue.

Judge David A. Depue began to read his charge to the jury at the trial of Joseph A. Blair in Newark yesterday morning at 10:05 o'clock. The large court room was densely packed with visitors, including 200 or 300 ladies, and, in order that he might be disturbed as little as possible, the Judge ordered the door nearest to his desk to be locked. No exception was taken to the charge by either party, and no suggestions to charge on particular points were made. It is noteworthy that during the trial there were less than half a dozen exceptions taken to the Judge's ruling on points of evidence, and of these only one is now considered of any possible importance, in view of the turn taken by the testimony after the exceptions were made. This one was an exception to the ruling that the Public Prosecutor might ask Rosselot, whom he had himself put on the stand, leading questions, as in cross-examinations. The Judge's reason for his ruling was that Rosselot, having been the only person present during most of the quarrel between Blair and Armstrong, was so important a witness that it was very desirable to have all his testimony brought out. The question on which the ruling was made was: "Did you not (on a former occasion) tell me (Abeel) that you saw Blair coming down the stairs with one pistol in his hand?" Counsel for the defence objected, but the Court admitted the question. The following was Judge Depue's charge:

GENTLEMEN OF THE JURY: The prisoner at the bar stands charged with murder in causing the death of John Armstrong. Under the form of this indictment the prisoner may be convicted of murder of the first degree, of murder of the second degree, or of manslaughter. You are at liberty to consider this case on its merits, and render such a verdict as the evidence justifies and the law requires, without embarrassment arising from the form of the indictment.

In performing that portion of the duties connected with this trial which the law assigns to the Court, I do not propose to enter upon any extended discussion of principles of law. Such a discussion would answer no useful purpose, and might tend to confuse and distract your minds. My duty will be best performed by furnishing you with a few plain, practical rules, extracted from the laws and to be adopted by you for your guidance in disposing of this most important case.

Nor is it proposed to make an attempt to review the evidence. Every portion of the testimony which the diligence of the distinguished counsel has enabled them to lay before the Court is of more or less importance in the case. A review of it by the Court would be impracticable; indeed, such a course is unnecessary. You have patiently and with earnestness given attention to the testimony as it has been detailed by the witnesses. It has also been carefully discussed by counsel in all its bearings upon the issues in the case; and you are the judges of the credit to be given to their testimony.

I will, therefore, refer only to such portions of the testimony as will enable you to comprehend with exactness the rules of law laid down by the Court, relying on your recollection of the testimony in detail, and upon your ability to so apply it as that perfect justice will be attained by your verdict.

That the deceased came to his death from the effects of pistol shot wounds inflicted by the prisoner is not disputed. The only debatable questions are, whether the accused incurred any criminal responsibility from his act, and, if so, of what grade of crime he should be convicted.

HOMICIDE NOT JUSTIFIED BY ABUSE.

The defendant was the owner and in possession of the premises on which the homicide occurred. The deceased was a servant in his employ. He was discharged by the defendant, and it became his duty to quit the premises. If, after a reasonable time, he refused to go, he became a trespasser, and might be removed from the premises by force, using no more force than was reasonable and necessary. But that will not justify the defendant. A man cannot defend his property, other than his dwelling house, or eject a trespasser from it with the use of a deadly weapon.

The defendant, on the evening in question, went to his barn to inquire or complain about the conduct of the deceased on the preceding day. His inquiries or complaints were responded to in abusive and profane language. And there is evidence that the deceased made threats to kill the defendant and his wife.

On these facts standing alone the defendant cannot sustain his justification. No provocation or abuse, however great, nor threats of personal violence will justify a homicide.

These facts, though they may serve to explain and give color to the subsequent transactions, will not of themselves justify the taking of life. If the defendant's act was justified, its justification must be maintained by proof that what he did was done in the lawful exercise of the right of self-defence.

WHAT IS SELF-DEFENCE?

Self-defence is one of the natural rights of any individual. It rests upon the natural right every man has to protect his life or his person from an unlawful assault upon him by another. If the defendant has satisfied you by the evidence that he lawfully entered upon the defence of his person and pursued his defence in a lawful manner, his justification will be complete, and he will be entitled to an acquittal.

In every case in which self-defence is relied on as a justification, two questions arise: First, whether the accused lawfully engaged in the controversy out of which the homicide grew; and second, whether his conduct at the time the fatal wound was given was lawful. The first of these questions relates to the manner in which the accused became a party to the controversy; the second to his situation and conduct immediately connected with the homicide.

I will consider these questions separately and as applicable to the circumstances of this case.

The homicide occurred at the defendant's barn. He went there to inquire of or complain of the conduct of the deceased. His expostulations occasioned violent threatening and abusive language on the part of the deceased. After the dispute had proceeded some time the defendant left the barn, and obtaining his pistol, returned to the barn armed with a pistol. The defendant demanded the surrender of the keys, and the deceased ran up stairs, followed by the defendant and was shot by him at the door of or within the upper room.

This narration of events, without going into particulars, which you are to find from the evidence, is sufficient to illustrate the point at this time under consideration, the effect of the presence of the accused at the place of dispute, armed with a deadly weapon.

BLAIR'S INTENT IN ARMING.

If a party goes armed to the place of dispute the intent with which he goes and his conduct at the beginning of the dispute become important elements in this case.

On these facts the State contends that the accused, irritated by the violent language of the deceased and by his refusal to surrender the keys, armed himself for the purpose of coercing compliance with his demands, and used his pistol as the means of intimidating the deceased into the surrender of the keys; that the deceased, thinking himself in danger, fled to the upper room for protection or to obtain the means for his own defence, and was followed and shot by the accused. If you reach that conclusion from the evidence, the accused is without justification or excuse. The endeavor to defend or obtain property by intimidation with a deadly weapon is unlawful, and one who unlawfully provokes a conflict cannot, if overmatched, justify the use of a deadly weapon, to extricate himself from the danger into which his own misconduct has brought him. He must first abandon the prosecution of his unlawful purpose and retreat and put his adversary in the wrong before his right of self-defence arises.

The defendant contends that he did not return to the barn armed with a pistol with the intent to engage in an affray with the deceased, or to coerce him into compliance with his demands by intimidation. He insists that, fearing for the safety of himself and his family while the deceased remained on his premises, he returned to the barn, expecting to induce the deceased to surrender the keys and leave the premises; and that he armed himself solely with a view of protecting himself from the violence of the deceased in case his defence became necessary. If you adopt that view of the evidence, the accused was not in fault in providing himself with a deadly weapon for his defence. He was under no obligation to abandon the protection of his wife and children, or the control of his property, because an infuriated person was upon it.

THE RIGHT TO EJECT TRESPASSERS.

The deceased had been discharged, and thereupon it was his duty to quit the premises within a reasonable time. What was a reasonable time depended on the circumstances of the case. If his conduct was so violent that he could not be left on the premises with safety to the accused and his family, the accused might require his immediate departure, and if he refused to go, might remove him with all reasonable and necessary force. To hold that in all cases and under all circumstances the owner of property is bound to resort to an action of ejectment or to a magistrate to secure him in the possession of his property, would put property in the control of the most irresponsible class in the community, especially in rural districts, where the population is sparse, and magistrates are few and often inaccessible. The owner of property may not defend his possession by the use of a deadly weapon, but he may remove the intruder with all reasonable and necessary force short of taking his life. And if the circumstances are such that there are reasonable grounds for believing that while exercising this legal right he may be unlawfully set upon and put in peril, he may provide himself with adequate means of defence, responsible only for the manner in which he uses them. He cannot arm himself with a deadly weapon for the purpose of engaging in an affray for the possession of his property, or for the purpose of coercion. In the use of such a weapon he must stand solely in the attitude of self-defence, for the law regards the public peace as paramount to the rights of individuals in property, and forbids its defence with a deadly weapon.

DID BLAIR PROVOKE THE CONFLICT?

To justify the accused in returning to the barn with a deadly weapon, you should be satisfied that he provided himself with it solely for the purpose of self-defence, and not with a view of engaging in an affray with the deceased, with the advantage of being armed with a deadly weapon, or to provoke his adversary into a renewal of the quarrel.

I have dwelt upon this part of the case with particularity for the reason that it is an important inquiry whether the defendant was in such a position as entitled him to adopt measures appropriate to his self-defence when the occasion for defence subsequently arose. For if the accused unlawfully provoked the conflict, he cannot invoke the right of self-defence to extricate himself from a danger brought upon him by his own misconduct.

And, gentlemen, though you are satisfied that the accused was in no fault in returning to the barn, armed with a deadly weapon, and in the beginning of the altercation which there occurred, his justification is not yet complete. He must satisfy you of the existence of such a state of facts as in law justified the act he did. That question is to be decided upon the condition of affairs and the conduct of the parties at the time the defendant entered upon his defence.

I will at this time read the defendant's account of the transaction. Its truth is denied by the dying declaration of the deceased, which you have before you, and is one of the disputed questions you must decide. Contrasted with the dying declarations of the deceased, the two together present the exact points in dispute on this part of the case. The defendant says: [Here the Court read Blair's testimony about the shooting.]

JUSTIFIABLE HOMICIDE.

Now, gentlemen, I will direct your attention to the rules applicable to the justification of a homicide on the ground of self-defence. It is undoubtedly a fundamental rule of law that a homicide is justifiable when done necessarily in defence of one's person, for the preservation of his life, or protection from great bodily injury. The foundation of the right to take life by way of self-defence is necessity—necessity for resorting to any violence for self-protection, and necessity for using the means that were used to secure the defence of the person. An act used is justified in using force to defend his person only when force is necessary to accomplish that end. If the apprehended injury could be otherwise avoided, he is bound to avoid the danger without resorting to violence, and if the circumstances be such as to require the use of force to repel the assault, he will be inexcusable if he carry his defence beyond the bounds of necessity. To justify the taking of life by way of self-defence the danger must be immediate and must be actual, or else apprehended on reasonable grounds, of which the jury is to judge. The accused cannot make his own judgment of the necessity of slaying the deceased in order to defend himself a justification of his act. Whether the necessity for taking life existed must be determined from the situation of the accused at the time; but it is the province of a jury to decide whether the circumstances were such as to furnish reasonable ground for apprehending a design on the part of the deceased to take the life of the accused or to do him some great bodily harm. It is not enough that the accused believed himself to be in danger unless the facts and circumstances were such that a jury can say that he had reasonable grounds for his belief.

In determining whether the deceased made all reasonable efforts to avoid the necessity for taking life, you are to consider his situation at the time the fatal wound was given. In some cases an accused is bound to retreat, in others he is not. If he can retreat with safety, and avoid the necessity of taking the life of his adversary, he is bound to adopt that course. But where his situation is so perilous as not to allow retreat without manifest danger to life or grievous bodily harm, he is under no obligation to fly, but may, if need be, kill his adversary. He is not bound to wait until his adversary has effected his destruction before he acts.

THE IMPORTANT QUESTION WHETHER ARMSTRONG WAS ARMED WHEN SHOT.

You will perceive how important the issue is, as to the place where the deceased was when he received the first of his wounds.

The deceased declares that he was shot while at the door endeavoring to enter the room. He was then unarmed, and had made no demonstration toward carrying his previous threats into execution.

The accused, if he believed that the purpose of the deceased in going into the room was to arm himself, had a right to endeavor to prevent his entrance by force, but he had no right to shoot him there, if he could obtain safety in flight.

But if the deceased was shot after he got into the room and when he had armed himself, or attempted to arm himself, with a deadly weapon, the situation of the parties was changed. Could the accused, under such circumstances, have resorted to flight without exposing himself to danger of life or great bodily injury? That is a question to which you must respond. On this issue you will comprehend how important it becomes to ascertain when the accused got the pistol which on that day was in the room.

If the justification of the defendant is not sustained by the evidence, the defendant should be convicted. The question will then arise, of what degree of crime he should be convicted.

HOMICIDE AND MURDER DEFINED.

The law presumes all homicides to be committed with malice, and therefore murder, as an inference from the act. This inference is controlled by the proof, but the burden of proving the matter of excuse or extenuation is on the accused, unless it already appears from the facts and circumstances attending the homicide as given in evidence on the part of the State.

The parties at the time were engaged in a struggle. If the act of killing, though unlawful, was done without malice, in a sudden transport of passion or heat of blood induced by a provocation so recent and so strong that the accused, for the moment, may be considered as not the master of his own understanding, the offence is manslaughter. But, gentlemen, to give the accused the benefit of a mitigation of his offence by reason of the excited and inflamed condition of his mind, you must be satisfied that he was without fault in the inception of the contest. If he engaged in the controversy, when he returned from the house, intending to take life, and provided himself with a pistol for that purpose, he cannot be allowed to mitigate his offence by the fact that his mind was inflamed by passion when the fatal wound was given.

If the accused was not justified, and his guilt is not mitigated to manslaughter for the reason mentioned, the next question will be whether the conviction should be of murder of the first or second degree.

THE TWO DEGREES OF MURDER.

The classification of murder into two degrees is made by the statute.

The statute enumerates as being murder in the first degree murders committed by poison, or lying in wait, and wilful, deliberate, and premeditated killing, and murder committed in the perpetration or attempt to perpetrate certain crimes which are specified; all other kinds of murder are murder in the second degree, and the jury, in case they convict of murder, are required to designate the degree of crime of which they find the accused guilty.

In construing the statute, the presumption is that the murder is murder of the second and not of the first degree, and if the State means to insist that the accused is guilty of murder in the first degree, it must prove that the homicide was either committed by poison or lying in wait, or in the commission or attempt to commit some one of the enumerated offences, or was, in the language of the statute, a wilful, deliberate, and premeditated killing.

To constitute murder in the first degree there must be an intention to take life. No particular length of time need intervene between the formation of the purpose to kill and its execution. It is not necessary that the deliberation and premeditation should continue an hour, or a minute. It is enough that the design to kill had been fully conceived at the very moment of delivering the fatal blow. As soon as such design—that is, to take life—is completely formed, then, if it is purposely executed the very instant it is formed, the offence is murder of the first degree.

IMPORTANCE OF CONSIDERING THE INTENT.

Murder of the second degree includes all those cases of constructive murder which are not accompanied with an intent to take life, but are committed by gross carelessness or in the commission, or attempt to commit, some lesser offence than those enumerated in the statute; as, for instance, an attempt to do mere bodily harm not extending to the intent to take life. You will perceive that the intent with which the act was done—whether that intent at the time of striking the fatal blow was an intent merely to do bodily harm or extended to an intent to take life—is the distinguishing feature between murder of the second degree and murder of the first degree, whether the intent was to kill or merely to disable.

The use of a deadly weapon by the accused raises a strong presumption that the intent was to take life, but that presumption may be overcome by the evidence.

I have now made all the observations that I deem necessary on the principal questions of the cause. With a few additional remarks, I will leave the case in your hands.

You are exclusively the judges of the credit to be given to witnesses, and of the weight and effect of the evidence.

ARMSTRONG'S DYING STATEMENT.

The statement of the deceased, called his dying declaration, was admitted in evidence. Dying declarations of a deceased in a homicide case are admitted in evidence, if the declarant at the time he made them was under a sense of impending death. The law regards the impression of impending death equivalent to the sanctity of an oath, and admits a statement made by a deceased, under such circumstances, as competent evidence. But when a dying declaration is in evidence, it is regarded the same as the testimony of other witnesses—liable to be impeached and contradicted the same as the testimony of any other witness, and to be weighed by the jury in the light of the situation and condition of the declarant at the time of making the declaration, and of his character as delineated by the testimony in the case.

BLAIR'S TESTIMONY.

The accused was also a witness in his own behalf. He was a competent witness. His testimony is to be scrutinized closely because of the immense interest he has in the result of this trial, but is not for that reason to be rejected. It is to be considered and weighed in the light of the position in which the witness is placed. You are to give the accused the benefit of his previous good character. He is also entitled to the benefit of a reasonable doubt, and is entitled to the benefit of such reasonable doubt in every part of this case, both as to the question whether he is guilty, and also as to the question of the degree of criminality. In a case decided by the Court of Errors of this State a definition of reasonable doubt is adopted, which I have extracted from the report of that case: "It is not a mere possible doubt, because everything relating to human affairs, and depending on moral evidence, is open to some possible or imaginary doubt. It is that state of the case which, after the entire comparison and consideration of all the evidence, leaves the minds of jurors in that condition that they cannot say they feel an abiding conviction, to a moral certainty, of the truth of the charge. The burden of proof is on the prosecution. If upon such proof there be reasonable doubt remaining, the accused is entitled to the benefit of it by an acquittal. The evidence must establish the truth of the fact to a reasonable and moral certainty—a certainty that convinces and directs the understanding, and satisfies the reason and judgment of those who are bound to act conscientiously upon it."

I now commit this case into your hands, uniting with counsel in urging upon you a faithful performance of duty. If, after considering the evidence, giving the accused the benefit of his previous good character, you entertain a reasonable doubt of his guilt, he is entitled to an acquittal. But if such examination of the case convinces your minds of his guilt, the path of duty, however sad and distressing, is plain.

THE JURY RETIRES.

The charge gave satisfaction to the defence, who hoped for a verdict of acquittal under it. The demeanor of the prisoner had not changed. He yet maintained his quiet, downcast air. His wife sat beside him listening intently to every sentence the Judge read with a wistful expression, and his two little children clambered about her lap. It was felt to be a deeply interesting period of the trial by everybody in court, because it was believed that the jury would be guided in a very large degree by the Judge's declaration of the law. A comment made on the charge was that it gave a chance for the jurors to frame a verdict based on a theory of self-defence.

At 10:25 o'clock County Clerk William A. Smith administered to Deputy-Sheriffs Louis Hallgrim, Frederic G. Hayden, Thomas Shillingford and Moses Osborne the oath that qualified them to take the jury in charge. They at once conducted the jury to a room on the ground floor of the court building in the southwest corner. Four minutes afterward Col. Davis reported that the jurors were in their room, and then Judge Depue directed the court attendants to open the doors to let the audience withdraw. Not more than fifty out of the entire throng quitted the room. The prisoner retired with his family and several friends to an adjoining room. He was in a highly nervous condition, and spoke with less command of voice than he had shown since the trial began, except twice while he was in the witness chair.

Judge Depue went home, after leaving word to be called as soon as the jury announced their readiness to return. The throng in the court room was reduced as the hours went by, until, at 4 o'clock, it contained not more than half as many as had listened to the charge.

The following is a list of the jurors in the order in which they were drawn: Melvin Doremus, coal dealer, 57 High street, Newark; William Terhune, ex-Assistant County Clerk, 181 Washington street; Samuel D. Pierson, East Orange; John S. Littell, insurance, 151 Garside street; William T. Beardsley, 208 Eighth avenue; John V. Nungesser, of J. L. Drew & Co., carpenters and builders, 169 Newton street; Charles S. Squier, Bloomfield; George R. Snyder, livery stable, Atlantic street; Morris Hopbaugh, carpenter, 289 Walnut street; Lyman S. Druse, 49 Clinton street; Amzi Coemans, mechanic, town of Franklin; William N. Herrick, iron ore, East Orange.

The punishment in New Jersey for murder in the first degree is death; for murder in the second degree it is imprisonment for any period between five years and twenty years; for manslaughter, a crime defined as having no trace of malice in it, the penalty is a fine of $1,000, or imprisonment for any period not exceeding ten years, or both.

At 6 o'clock last evening there were yet 200 or more persons lingering in the court room. No communication had yet been received by the Court from the jury. The only positive information received about them was that several of them had sent for their overcoats, but a report, coming from a source that seemed to be entirely trustworthy, was that the jury stood ten to two in favor of a verdict of acquittal. Blair remained in the witness room, whither he retreated when the jury first retired. His wife remained with him, but the children were sent home at dark. When he was told that the jury stood ten to two for his acquittal he expressed confidence that he would be justified before the public, but his demeanor was not perceptibly changed. He was respectful and polite when spoken to by his friends, but when relieved from the stimulus of conversation he quickly relapsed into silence.

At 6:30 o'clock so many people had gone from the court room that the gas jets on the central chandelier were all extinguished, but the twelve jets on the chandelier near the Judge's bench were sufficient to illumine the fifty or more persons that crowded up about the bar railing. Among these were eighteen women. Mr. William A. Torrey of Montclair, who had acted as usher all day, remained, moving hopefully about among them with such comfort as he could give, for they were all friendly to the prisoner. There isn't an 11 o'clock train from Newark to Montclair, and most of those who waited in the court room intended to take that train.

WAITING FOR THE VERDICT.

At 7½ o'clock the court room began to fill up again. The number of women doubled, and the seats in the back of the room were again filled with men and boys. Among the women was one about 40 years of age, who had brought her lunch early in the morning, and had maintained her seat within the bar all day. She was dressed in black, and wore a black hat shrouded in a brown veil. She talked freely with those near her. She said she had come to hear a verdict of murder in the first degree, and was resolved to stay until it was rendered.

"Have you children?" asked a woman near her.

"Yes," she replied, and, anticipating the next question, she added, "and if one of them had acted as Joseph A. Blair has done, I should be willing that he should be hanged."

"But don't you see the many friends of Mr. Blair all about you, anxious for his acquittal? Would you want to see them all in trouble and affliction?" her questioner continued.

"I don't care for that," she replied. "He shot a man, and he ought to be hanged."

Just behind the rail two old ladies turned themselves face to face in the seat, and by their loud tones and lively gesticulations began to attract the attention of those around them. It was supposed they were discussing the case. A volunteer committee of investigation, however, soon reported that they were exchanging opinions about the proper way to make a pudding. As the evening wore on, conversation increased rather than flagged, because the people began to get better acquainted with each other.

Miss Draper, the witness, glided back and forth between the witness room, where Mrs. Blair sat with her husband, and the main room. She is of a volatile temperament, and sometimes her face was sobered and sometimes she found herself laughing and chatting with friends. Mrs. Wheeler went home before dark.

In front of the Court House a constantly-changing throng gathered on the porch and sidewalk, but watchful officers allowed no one to loiter near the southwest corner of the building, where the jury was imprisoned.

Various rumors travelled about the building from floor to floor, and in the court room from seat to seat. At 9:15 o'clock it was positively affirmed, on the alleged authority of a lady who came from the room where Mr. and Mrs. Blair were, that information had been sent to them that the jury then stood eleven to one in favor of acquittal.

"There is no doubt in the world now," so the lady was reported to have said, "that he will be acquitted."

Information came direct from Judge Depue that on no account would he leave his house to open court after 9 o'clock; also that he would not open court before 7 o'clock in the morning. As the laws of New Jersey do not allow juries to seal their verdict and leave it with the officer in charge, this decision of the Judge was communicated to the jury, and it was hoped that it would hasten their verdict, but at 9½ o'clock the Judge had not arrived, and the hope of Blair's friends that he would pass Sunday with his family in Montclair rapidly faded. All of the jurors had sent for their overcoats.

A large number of workingmen loitered about the halls of the court house all the evening, but they were quiet in their demeanor, and in conversation betrayed no extreme bitterness toward Blair, although their opinion that he ought to be convicted was not at all disguised. It is said that Sheriff Van Rensselaer proposed a method of taking Blair from the court house in case of acquittal in a way that would baffle any who might design to injure or insult him, but Blair's friends did not think it was necessary. Notwithstanding the Judge's decision not to open court later than 9 o'clock, it was believed that he could be persuaded to change his decision rather than keep Blair in suspense all night. It was regarded as significant that the Sheriff at 10 o'clock kept eighteen deputies about the building and carriages in waiting. At that time there were not less than 300 persons in the court room.

At 10:45 the Sheriff informed those in court that the room would be closed for the night. It was vacated within ten minutes, and fifteen minutes afterward all of the deputies except four that were guarding the jury, and two left to guard the prisoner, went home. Among the last persons to quit the building were ex-Judge Titsworth, Mr. Arnoux, and Counsellor Weeks. Blair, Mrs. Blair, Mr. William A. Torrey, and one or two other close friends prepared to stay in the court room all night. No regular bedding was provided, but the party were made comfortable by the attention of Newark friends. Blair said he would prefer to stay there rather than go to jail, and his wife refused to part from him while he was in such great suspense. It is said that Blair will break down utterly, and will be confined to his bed when this strain is removed from his mind, whatever the verdict may be.

At 11 o'clock the jury retired for the night without a verdict.

At midnight the jury were locked in their room, and half an hour later Blair and his wife and some friends were sleeping in the ante-room, under the eye of the constables on guard.

RICHMOND COUNTY REPUBLICANS.

Peace and Harmony on Staten Island, and the Resignation of Mr. Curtis not Mentioned.

The Richmond County Republicans met in Tynan's Hall, S. I., yesterday to select candidates for the county offices. A lively convention was anticipated, because the friends of Mr. George William Curtis were not pleased with the alacrity with which his resignation had been accepted at the meeting of the Convention the week before, and there was some talk of displacing Mr. David W. Judd, who had been elected Chairman in his place. But the early action of the Convention showed that a peace had been arranged. Mr. Judd had no sooner called the Convention to order than Secretary De Witt C. Stafford arose and said that he hoped and presumed that they had all assembled with the same object—to nominate a ticket that should bury the ticket that the Democrats had had the impudence to put in the field. The main object was to secure peace and harmony in the ranks of the party, and to put away all factional feeling. He moved that Mr. Judd be made permanent Chairman. A hearty "Aye" showed that peace and harmony reigned within the Convention.

The work of making nominations was then begun. Michael Conklin, of Westfield, Oliver Fiske of Castleton, and W. R. Wemple of Castleton were named as candidates for the nomination for Assemblyman. Mr. Fiske was supposed to represent, in a measure, the Curtis faction, and was known as a Hayes man. Mr. Conklin represented the stalwarts. There were 64 delegates present, and on the informal ballot Fiske had 28 votes, Conklin 27, and Wemple 9. On the formal ballot Fiske had 36 votes to Conklin's 26 votes, thus securing the nomination.

Mr. Fiske is a banker. He has been United States Marshal, and he once ran for the Assembly.

There were three aspirants for the nomination for Sheriff—H. C. Jones, A. B. Conner, and George Wilson, all of Middletown. Charles Bendt, a delegate from the First District of Middletown, had also been regarded as a probable candidate; but while the Convention was in session he was dying at his home. On the previous night, while driving along the Richmond Terrace, his wagon was struck by another, his horse ran away, and he was thrown out on his head and fatally injured. A. B. Conner was the favorite from the start and received the nomination; Michael S. Tynan, President of the village of Edgewater, was nominated for County Treasurer by acclamation; Samuel S. Lewis was nominated for Superintendent of the Poor, and William M. Wermerskirck of Southfield received the nomination for Justice of Sessions.

Castleton was to choose a candidate for Coroner, and the delegates, after a recess, reported the name of Dr. Van Rensselaer. This was a firebrand in the Convention, particularly to Delegate Hopping, who made a bitter speech, saying that he thought that he had come to a Republican convention; that he thought every nominee should vote the Republican ticket, from Cornell down, and now he was asked to vote for a Democrat who had openly boasted that he should vote for Lucius Robinson.

A Castleton delegate said that they wanted economy in the office, and had chosen Dr. Van Rensallner, because they knew that he was an honest man. The Castleton delegation were asked to reconsider their determination, and they presented the name of Dr. Theodore C. Walser, which was received with applause.

EXPERTS AT CRICKET.

The Match Between Daft's English Team and the Young America Eleven.

PHILADELPHIA, Oct. 18.—The cricket match between Daft's Eleven and the Young America team was resumed at noon to-day at the Stenton grounds, Charles Newhall and Clark bowling. Barnes and Lockwood, who were at the bat when stumps were drawn yesterday, ran the score up to 74 before the former succumbed to Clark for a well-earned 24. Lockwood continued to send the ball all over the field, while Bates was caught at wicket by Van Rensselaer for none, Emmett by the same man in the same place for 3, and Shaw by the same man for 7. But Lockwood, after scoring 60 runs, was bowled by C. Newhall, and Daft was caught at mid off for 37. Pindar made 11, and Morley carried his bat out for nothing. Total, 171.

The bowling of the Young Americas was rather poor, but their fielding was altogether praiseworthy, particularly that of Dixon, who caught Daft at mid off, jumping well up into the air to reach the ball, and making one of the prettiest catches ever seen here. Large missed Daft at point when the latter had scored about 35, but beyond this no errors were made.

After the usual intermission, John Large and D. S. Newhall entered the lists for the Americans, while Emmett and Bates were put on to bowl. Bates bowled Large for a duck without much trouble, but Bob Newhall and his brother, between them, raised the score to 23 before Dan was caught at mid by Shaw for 13. Bussier was caught in the slips by Emmett, and Bob Newhall was shortly afterward stumped by Pindar for 11; 4 for 27 runs. Stumps were then drawn.

Hudson County Democrats.

The Hudson County, N. J., Democrats yesterday renominated Edward F. McDonald for Director-at-Large, and Jeremiah B. Cleveland for Register, and nominated George B. Fielder for County Clerk. James M. Brann, the present County Clerk, wanted a renomination, and his friends, dissatisfied with the action of the Convention, met and resolved to organize and put Brann in nomination in opposition to Fielder.

The Fastest Two-Year-Old Colt on Record.

SAN FRANCISCO, Oct. 18.—At Carson City, Nev., to-day, Theodore Winters's colt Connor, a two-year-old, by Norfolk, carrying eight pounds over the rule weight, ran a three-quarter dash in 1:15¼—the fastest time ever made by a colt at that age.

THE DEATH OF HARTOG HAAS

AN INVESTIGATION TO BE HELD BY SUPERINTENDENT WALLING.

A Coroner's Jury Has Said that the Man Died of Natural Causes, Hastened by His Treatment by the Police—A Theory of Suicide.

Hartog B. Haas, a cigar dealer at 1,216 Broadway, a native of Holland, 53 years of age, was arrested on the night of the 7th instant by Detectives Schmittberger and Price, on a charge of assault on two girls. He was placed in a cell of the Thirtieth street police station, where he was found dead at 6:50 o'clock on the following morning. Coroner Ellinger gave a permit to remove the body of Mr. Haas to his late residence, at 953 Sixth avenue, where a post-mortem examination was held. A jury was impanelled the next day, and testimony, of which the following is a transcript, was taken:

"Oliver Tims, Sergeant of the Thirtieth street police station, testified as follows: 'I was in charge of the desk on the evening of Oct. 7, 1879. The deceased was brought to the station house by Officers Schmittberger and Price, about five minutes of 10 P. M., on a charge of having assaulted two little girls. He denied the charge; admitted having given money to the girls, but without any reason. He had no money with him on search. I put him in the cell. I was relieved at 12 P. M. I saw him again at ten minutes to 7 the following morning. Two friends of his came in about that time and asked me to see him. An officer who was in the room went to speak to him, came back, and said he was dead. I went in, saw him stretched on the slab, head reclining against the wall, his head bent forward, with a handkerchief tied around his neck. A stick was under his head. He was lying on this stick somewhat. He was pulseless. I don't remember any particular complaint made against the deceased.'

One of the girls testified to the alleged assault, and the policeman who made the arrest testified as to its circumstances.

"Deputy Coroner D. B. Miller, M. D., testified: 'I made an autopsy of the body of the deceased, Hartog B. Haas, lying at his residence, 953 Sixth avenue, on the morning of Oct. 19; on examining the surface of the body I found marked indications of an old diseased condition of the right femur, or thigh bone; a narrow rim of discoloration on each side of the neck; on opening the cavity of the thorax and abdomen I found strong pleuritic adhesions of the left side, with indications of chronic bronchial disease; the lungs congested and decidedly œdematous; the heart somewhat fatty, flabby, or anemic; the liver fatty, not congested; the spleen enlarged; the stomach normal and empty; the kidneys congested and nephritic; the brain was examined and found perfectly healthy, but positively anemic; death, in my opinion, was caused by œdema and congestion of the lungs, with chronic bronchitis.'"

The jury brought in the following verdict:

That the said Hartog B. Haas came to his death by œdema, or congestion of the lungs, from chronic bronchitis, accelerated by his arrest and imprisonment, and we censure the police for making the arrest without a warrant and in the manner in which they did.

LEO WISE,	A. BLACK,
J. G. MILLS,	S. ROSENTHAL,
S. NICHOLS,	C. D. WHITTEMORE,
JOHN HARBONG,	JOSEPH A. WHITE,
J. J. BLAUVELT.	

Coroner Ellinger sent a letter to Superintendent Walling yesterday, officially communicating the verdict to him. Superintendent Walling said, on the reception of the Coroner's letter, "I have not had time to make an investigation, but shall certainly do so. I have been informed that Haas was found with a handkerchief around his neck with a cane in it, of which a tourniquet had been made, and that the man strangled himself. I do not know whether that was so or not. I have further heard a rumor that Mr. Haas's life was insured for a large amount. Whether that is so, I do not know; but I intend to make an investigation as soon as I have an opportunity. I never told anybody that I have already made such an investigation, but I have said emphatically that I have not yet had time to make the investigation. I have no objection to stating that the report of Mr. Haas's suicide came to me through Capt. Williams on the morning the man was found dead. Capt. Williams came down to the office and said before the inquest was held: 'We have had a man commit suicide in our cells last night. We found him with a handkerchief around his neck, with a cane in it, like a tourniquet. The cane was partly under him.' Capt. Williams also said they had had complaint after complaint against Haas, and had been watching him. Of course, when the Coroner presents us a censure on the police such as is contained in that verdict, I am bound to investigate it, and I shall do so at the earliest opportunity. As yet I have no knowledge of the case beyond what Capt. Williams reported, and I have not expressed any opinion on it to any one."

Coroner Ellinger said last night: "As to the report that evidence was suppressed for the purpose of concealing the fact that Mr. Haas committed suicide, I pronounce it a lie. I never knew Mr. Haas or his family before, and I did not suppress any evidence in the case for any purpose. The evidence that Mr. Haas died a natural death was incontrovertible. Dr. Miller, who made the post-mortem, testified positively that there was no congestion of the brain. Now, there never was a case of strangulation known where there was no congestion. There was no evidence that the man committed suicide. I can't help it if the jury censured Capt. Williams. They were convinced on the evidence that the man died from natural causes. Am I to change a verdict of a jury to please Capt. Williams? I know that the doorman who first saw Mr. Haas dead was not called as a witness, but I did not think it necessary, because he did not examine the body. There was no need to call the doorman when we had the positive evidence of Dr. Miller. I know Mr. Haas's life was insured, but I do not know for how much, or in what companies. That was none of my business. I am not afraid of any investigation into the case. Let Capt. Williams write, and he will find that I can write too. There was no evidence suppressed. Detective Schmittberger wanted me to postpone the inquest, so that he could bring women to prove that they had visited Mr. Haas's store. I said I would not let him blacken the character of a man who was in his coffin and had no chance to defend himself. I refused to postpone the inquest. I have no doubt that the police arrested that man without authority. They had no right to do it without a warrant, and I do not think that Mr. Haas committed suicide."

Abram H. Seixas, a brother-in-law of Mr. Haas, and administrator of his estate, said: "I was one of the two friends who called at the Thirtieth street station and caused the discovery that Mr. Haas was dead. I followed the doorman to the cell. When the doorman opened the cell door I was at his elbow, and saw the body as quick as he did. There was a cane lying across the bed, and Mr. Haas seemed to have been resting his head on it. When the cell door was opened this cane fell down, or the doorman pushed it. I heard it rattle. It was not through the handkerchief, I am sure. I could not say whether the handkerchief was tight, but I am sure that Mr. Haas did not commit suicide with it, because there was only one mark on one side of his neck, and that was where he laid on his cane. Dr. Miller must be mistaken when he says there was a mark on both sides of the neck. We had two family physicians at the post-mortem assisting Dr. Miller. They were Dr. Oppenheimer and Dr. Froelich. All three of the Doctors agreed that Mr. Haas could not have committed suicide. Of course we were all anxious that the verdict should not be one of suicide, because in the Hebrew faith a suicide cannot be buried in the cemetery with others, but must be placed in a corner. But I aver positively that nothing was done to collect a jury for the purpose of concealing anything. Not one of the jury was known to me, or to any of the family, so far as I know. We had no desire to censure the police, and were not responsible for it. We never thought of the fact that Mr. Haas's life was insured when we were anxious to have it appear that he did not commit suicide. He was a sick man the day of his arrest, so sick that he was not fit to work, and his family tried to prevail upon him to stay at home. His life was insured for $8,000 in the Connecticut Life and in a Jersey company; but we have not yet put in proofs of death, nor have we heard of any intention of either company to contest the payment of the policies. We did nothing to procure the attendance of Coroner Ellinger in preference to any other Coroner. We sent first for Coroner Flanagan, but, as it was his week off, he could not attend. Then I went down to the Coroner's office and met Coroner Ellinger by accident. I was introduced to him for the first time. If there is to be any investigation we are prepared for it, and it will show beyond a doubt that Mr. Haas did not commit suicide."

Capt. Williams said: "I am quite prepared for an official investigation, either in the form of charges against the policeman who made the arrest or in any other way. I have a book full of evidence that I would be glad to bring, to show that Mr. Haas committed suicide. Why did not the Coroner permit the doorman, who was the first to see the man dead, to give his testimony? Why did not the Coroner take the testimony of Policeman Gressich? We have plenty of testimony to show that Mr. Haas committed suicide. Why was it that when we sent for Coroner Flanagan, they sent for Coroner Ellinger? Why was the proof as to the handkerchief and the cane kept out? We can prove that the cane was in the twist of the handkerchief, like a tourniquet, and that there were marks on Mr. Haas's neck. Why was it that the jury was not summoned to view the body here in the usual way? Why was not the post-mortem held here in the usual way? Where did Coroner Ellinger get that jury? I will show before I get through that the censure of that jury is not worth the paper it is written on, just as soon as I can get an investigation before Superintendent Walling. Why is it that the addresses of the jury do not appear on the official record of the inquest, as they should, according to law? Some of the names are not to be found in the Directory. Where did Coroner Ellinger collect them? There is no doubt that Mr. Haas's life was insured for $8,000, and that the fact that he committed suicide did not appear at the inquest, as it should have appeared, and as it will appear when the case is further investigated. I am ready for the investigation."

WHAT MAY DELAY THE HAYDEN TRIAL.

A Juror Accused of Expressing a Decided Opinion of the Prisoner's Innocence.

NEW HAVEN, Oct. 18.—On Monday the counsel for the State in the Hayden case will meet to decide what action they had better take with respect to the juror who, it has been alleged, has expressed a decided opinion that Mr. Hayden is an innocent man. It is probable that the facts will be made known to the Court when it comes in next Tuesday morning, and the subject left to the Judges to be acted upon.

The juror whose name is in nearly everybody's mouth in the city is John T. Many of 12 Gill street. He has been a resident of New Haven nearly twelve years. Last winter, as is charged by the counsel for the State, he was in John Lloyd's liquor saloon in Elm street, surrounded by a group of men talking about the Hayden affair. Capt. Evarts of Madison, father-in-law of Lloyd's bartender, was of the party, and soon engaged in an argument with Mr. Many with respect to Hayden's guilt. Then Many said in a most decided manner that Hayden was no more guilty than he was, that he did not believe that he (Hayden) ever committed the murder, and that the prosecution was a "put up job." The counsel for the State also say they have knowledge of a time when Many, standing in a saloon discussing the arrest of Mr. Hayden, said that the defence had testimony that would smash to pieces all the State's evidence with respect to the letter Mary Stannard is alleged to have sent the minister from Guilford. In addition to the above, there is also a rumor, not traceable, however, to any authoritative source, that Many, since the trial began, has opened his mouth unwisely with respect to the evidence. When being examined before he was accepted as a juror, Many said that he had formed or expressed no opinion as to Mr. Hayden's guilt or innocence. He was of the opinion, however, that the [illegible] justified the holding of the accused [illegible] for further investigation of his case.

Should the State ask that a new jury be summoned, and the trial be begun a second time, this will make it [illegible] for the third [illegible] necessary to go over all the testimony of the past four days, and will greatly add to the cost of what promises to be the most costly trial ever held in the State.

In the Bucholz trial at Bridgeport, where a [illegible] juror rendered a new trial necessary after Bucholz had once been sentenced to be hanged, the man who led the juror into violating his oath has been arrested and held for trial in $150. The fact that the same Judges who are trying Hayden tried the Bucholz case, and afterward allowed a new trial because of the juror's indiscreetness, is quoted by many persons in support of the statement that when the court hears of Many's utterances it will order his dismissal from the jury, and consequently a new trial.

THE WIDOW OLIVER.

Trying to Make Out that she is not so Poor as her Counsel Represent her to be.

WASHINGTON, Oct. 18.—To-day, in the case of Mary S. Oliver against Simon Cameron, in which a motion had been made by the plaintiff to dispense with the printing of the record on the appeal case pending in the court in General Term, the counsel for defendant filed an answer thereto. The answer says it is not sufficiently shown that the plaintiff is unable to have the record printed; that it appears she has recently been travelling, and engaged in proposing to lecture, and in printing or causing to be printed notices or bills for lectures, &c.; that having been able to secure two attorneys of this court and an additional one from Kentucky, she cannot be regarded as impecunious; that the cause of action—alleged breach of contract of marriage—is not of the character of cases which calls for a suspension of the rule, and a fair, just, and convenient review of the case requires the printing. Accompanying the answer is an affidavit of Thomas Dunn, stating that Mrs. Oliver was recently in New York looking well and well dressed; that on Sept. 5 she was engaged for a lecture at Jersey City, professedly for the yellow fever sufferers in Memphis; that the bills were printed by Cameron & Co. of Ann street, New York, and he is informed and believes that she was introduced to the press of New York by Mayor Hopper of Jersey City. The case will probably be argued on this motion on Tuesday in the General Term.

BRIGHTLY VS. BRIGHTLY.

A Decree of Divorce Entered in Mrs. F. F. Brightly's Favor.

PHILADELPHIA, Pa., Oct. 18.—A case which has excited much attention here was decided to-day in a decree of divorce granted to Mrs. Emma H. Brightly from her husband, F. F. Brightly. Mrs. Brightly is the daughter of William B. Mann, Prothonotary of the Probate Court here, and her husband's father was the well-known compiler of Brightly's Digest. Both families are wealthy, and are prominent in Philadelphia society. Mr. and Mrs. Brightly were married eight years ago, and during most of that time have lived with Col. Mann in his handsome residence, the grounds of which occupy half a square in one of the most fashionable parts of the city. About a year ago, however, husband and wife separated, and Mr. Brightly began a suit against Gouverneur Kortright of New York—at whose Newport cottage Mr. and Mrs. Brightly had visited the summer before—claiming damages on the ground that Kortright had undermined Mrs. Brightly's affections and had deprived plaintiff of his wife's society. This suit, after a period, was withdrawn on the agreement by Col. Mann, as Mr. Brightly's friends say, that Mr. Kortright should not again be permitted to enter his house. Shortly afterward Mrs. Brightly sued for divorce on the ground of ill treatment. Mr. Brightly, who is a Catholic, interposed no opposition, and to-day the decree was granted.

THE FRANCO-AMERICAN TREATY.

President Grevy and the French Government Heartily in Favor of It.

PARIS, Oct. 18.—On leaving the Cabinet Council to-day, President Grévy received the members of the French Committee on the Franco-American Treaty of Commerce. M.M. Waddington and Leon Say were present. M. Foucher de Careil introduced a delegation of ten, among whom were M.M. Wilson, Chotteau, Hyppolyte, Cahuzac, Berger, Vanderbilt, Hielard, and the Secretary, M. Desmoulins. The latter read the resolution adopted at the meeting of the 5th inst. M. Foucher de Careil insisted upon its importance as inviting the French Government to take the steps deemed necessary by the Congress of the United States for a treaty of reciprocity.

President Grévy received the communication most favorably. He said that himself personally and the Government felt the greatest desire to renew commercial relations with the United States, and that France attached great importance to the movement, looking to extending her relations with the great American Republic. In dismissing the delegation the President said: "We are henceforward going to labor in concert to attain the object you pursue."

Confessing a Murder Committed in 1872.

CLEVELAND, Ohio, Oct. 18.—A letter was received here from the American Consul at Liverpool, enclosing a confession of murder made by John Powell of Alfreton, Derbyshire. He said that in 1872 he was walking over a bridge across a deep ravine in Cleveland with a stranger. Getting into a quarrel with him, he pushed the stranger over and he was killed. He then fled to England, but remorse overcame him after seven years of secrecy and moved him to confession. Investigation to-day shows his story to be true. The murdered man was a [illegible] named Martin Munroe, and, in addition to being murdered, he was robbed of a large sum. Powell will be sent for.

The Imprisoned Deer Hunters.

PORT JERVIS, Oct. 18.—Sheriff Ridgeway John C. Westbrook, Jacob Scheer, and others, who were arrested for running deer with dogs, and who were committed yesterday to the county jail at Milford, Pike County, Pa., for refusing bail, were afterward released, each paying $100 bail to appear at the December term of the court.

LIFE IN THE METROPOLIS.

DASHES HERE AND THERE BY THE SUN'S REPORTERS.

Mr. and Mrs. Jesse Seligman Celebrate their Silver Wedding—A Pleasant Company at Delmonico's—Handsome Floral Offerings.

Carriages drove up to the Twenty-sixth street entrances of Delmonico's Hotel last evening in quick succession. Ladies and gentlemen in full dress alighted under a canopy and ascended to the ballroom, where Mr. and Mrs. Jesse Seligman were celebrating their silver wedding. [illegible]

Campaign Notes.

The Irving Hall Democrats' Executive Committee [illegible]

The Coleman Court Martial.

The findings of the court martial in the case of Capt. Hugh Coleman of Company E, Sixty-ninth Regiment [illegible]

A Chase for a Burglar.

Chief of Police Malloy of New Rochelle [illegible]

A Divorce Granted Dr. Merrill.

Judge Barrett, in Supreme Court, Chambers, yesterday, affirmed the decree of divorce in favor of the husband in the suit by Dr. Alfred P. Merrill [illegible]

The Long Island City and Calvary Cemetery Companies Sued for Damages.

[illegible]

Judge Dykman Ill.

Owing to nervous prostration, Judge Dykman [illegible]

Madam Anderson in a Singing Mood.

At 12 o'clock last night Madam Anderson had made 1,248 quarter miles [illegible]

THE LATEST OLD WORLD NEWS.

The London Times on Lord Salisbury's Speech.

LONDON, Oct. 18.—The Times, in a leading editorial [illegible]

The Anglo-Afghan War.

SIMLA, Oct. 18.—In consequence of the threatening attitude of the tribes [illegible]

The Strength of the Armies of Europe.

LONDON, Oct. 18.—A despatch from Vienna to the Times says [illegible]

Repression of Seditious Writings in France.

PARIS, Oct. 18.—A circular has been issued by the French Minister of Justice [illegible]

Cause of Mirth's Defeat.

LONDON, Oct. 18.—The Times says that Mr. [illegible]

Death of a Famous Brigand.

ROME, Oct. 18.—The brigand Gasparoni [illegible]

Men Walking Against Horses.

SAN FRANCISCO, Oct. 18.—The score in the walking match [illegible]

The Signal Office Prediction.

Colder northerly to westerly winds, rising barometer, and light rains, followed by clearing weather.